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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 ODVEN LUIS MINERO LEON,

12 Petitioner,

13 v.

14 MIKE McDONALD, Warden,

15 Respondent.
16

Case No. SA CV 10-0495 SJO (JCG)

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE AND
DENYING CERTIFICATE OF
APPEALABILITY**

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18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of the
19 records herein, and the Report and Recommendation of the United States Magistrate
20 Judge. No objections to the Report and Recommendation have been filed. The
21 Court accepts the Magistrate Judge's Report and Recommendation.

22 Additionally, for the reasons stated in the Report and Recommendation, the
23 Court finds that Petitioner has not made a substantial showing of the denial of a
24 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
25 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of
26 appealability.

27 Accordingly, IT IS ORDERED THAT:

28 1. Judgment shall be entered dismissing the action with prejudice.

1 2. The Clerk shall serve copies of this Order and the Judgment herein on
2 the parties.

3 3. A Certificate of Appealability is denied.
4

5 November 16, 2011

6 DATED: _____
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A handwritten signature in cursive script that reads "S. James Otero". The signature is written in dark ink and is positioned above a horizontal line.

8 HON. S. JAMES OTERO
9 UNITED STATES DISTRICT JUDGE
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